

SENATE—Thursday, October 7, 1999

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. John C. Compton, First Baptist Church of Alexandria, VA. He is the guest of Senator HELMS. We are delighted to have you with us.

PRAYER

The guest Chaplain, Dr. John C. Compton, offered the following prayer: Let us pray.

Heavenly Father, we thank You for the privilege of bowing our heads today and acknowledging You as our Creator Lord. We confess that we are dependent upon You completely for everything. Father, we ask for Your leadership on this day. We pray for each man and woman in the Senate, Father, that You would give them wisdom and courage and insight as they are about to deliberate on national and international affairs. Heavenly Father, we thank You for the wisdom of Your word that teaches us that the supreme principle of life is to love the Lord our God with all our heart, mind, and soul and to love our neighbors as ourselves. Father, may this principle of love guide everything the Senate does today. And, Dear Lord, we ask that You bless each Senator with a measure of health and fulfillment as they serve You, for we pray in Jesus' name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ASHCROFT, a Senator from the State of Missouri, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair. I compliment the distinguished leader of the prayer, and I compliment the President pro tempore.

I will be glad to yield to my distinguished colleague from North Carolina. The PRESIDING OFFICER (Mr. CRAPO). The Senator from North Carolina is recognized.

GUEST CHAPLAIN JOHN C. COMPTON

Mr. HELMS. Mr. President, the inspiring prayer which Senators just

heard was delivered by the remarkable Dr. John C. Compton, whose church is the home church for Dot Helms and me when the Senate is in session.

The congregation at First Baptist Alexandria includes many good folks from North Carolina, with relatives in our State. Dr. Compton has been senior pastor at First Baptist Alexandria since June 1997, and what an enormous impact he has had. His powerful sermons are always meaningful and helpful. Young adults are flocking to the various services and other events at his church. Dr. Compton's messages to all who hear him are straight from the Bible. He dares to address with candor the moral and spiritual breakdown so evident in America today. That is because his message, without exception, emphasizes the hope available to all who will follow and embrace the precepts and faith of our Founding Fathers.

John and Teresa Compton have two daughters, Sarah and Rachel. Dr. Compton's father, deceased, and his mother served as missionaries in Brazil for a quarter of a century beginning in 1950.

Numerous staff members from Capitol Hill attend First Baptist Alexandria, including several from my own office. A warm welcome is extended to the Senate's guest Chaplain for today, Dr. John C. Compton. And for my part, Mr. President, I am genuinely grateful for what this remarkable minister has meant to Dot Helms and me and countless others.

I thank the Chair and I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1650, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Abraham (for Coverdell) amendment No. 1828, to prohibit the use of funds for any pro-

gram for the distribution of sterile needles or syringes for the hypodermic injection of any illegal drug.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on behalf of the leader, I have been asked to announce that we will proceed now to the consideration of the bill on Labor, Health and Human Services, and Education. The pending amendment is one offered by the distinguished Senator from Michigan, Mr. ABRAHAM.

We are culling the list, and we have it now in reasonable shape so that I do believe that if we are able to have a couple of very contentious amendments not acted upon and proceed promptly, we can complete action on this bill today.

The leader has asked me to announce that following completion of the Labor-HHS appropriations bill, it is the intention of the leader to consider the Agriculture appropriations conference report, and the Senate may also consider any other conference reports available for action.

When we move beyond Senator ABRAHAM's amendment, the next amendment to be offered is by Senator BINGAMAN. It is hoped that we could get reasonably short time agreements.

I would ask if we may proceed now, as we had on so many matters yesterday, with a 30-minute time agreement equally divided on this pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object for just a moment, could we look at it for a second, the second degree?

Mr. ABRAHAM. Here is a copy.

Mr. SPECTER. While the Senator from Minnesota and the Senator from Nevada are taking a look at it, Mr. President, this would be a good time for me to say that we hope that anyone who wishes to offer amendments will come to the floor promptly so that we can inventory the amendments and try to establish time agreements. We are going to have to move very expeditiously without quorum calls if we do have any realistic chance of finishing the bill today.

Mr. WELLSTONE. Mr. President, the time agreement is fine on our side.

Mr. SPECTER. Thirty minutes equally divided, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Thirty minutes equally divided on the second degree.

Mr. SPECTER. The same agreement we had yesterday with respect to 30 minutes on second degrees.

The PRESIDING OFFICER. Without objection, the time on the second-degree amendment will be 30 minutes equally divided.

Under the previous order, the Senator from Michigan, Mr. ABRAHAM, is recognized to speak on amendment No. 1828.

Mr. ABRAHAM. Mr. President, before I speak, may I clarify, I believe I am speaking on the second-degree amendment?

The PRESIDING OFFICER. The second-degree amendment has not been offered.

AMENDMENT NO. 2269 TO AMENDMENT NO. 1828

(Purpose: To prohibit the use of funds for any program for the distribution of sterile needles or syringes for the hypodermic injection of any illegal drug)

Mr. ABRAHAM. Mr. President, I call up amendment No. 2269.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative assistant read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. COVERDELL, Mr. GRASSLEY, Mr. ASHCROFT, and Mr. SMITH of New Hampshire, proposes an amendment numbered 2269 to amendment No. 1828.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug. This provision shall become effective one day after the date of enactment.

Mr. ABRAHAM. Mr. President, I rise to join Senator COVERDELL in offering this amendment to the Labor, Health and Human Services appropriations bill. Our amendment would prohibit the expenditure of taxpayer dollars on programs that provide free hypodermic needles to drug addicts.

In the past, President Clinton, through his Secretary of Health and Human Services, Donna Shalala, has tried to lift the ongoing ban on federal funds for needle exchange programs. His reasoning? Such programs could reduce the rate of HIV infection among intravenous (IV) drug users without increasing the use of drugs like heroin.

Unfortunately, the evidence we have to date suggests that each of these suspicions is wrong. We now know beyond a reasonable doubt that needle exchange programs actually increase both the rate of HIV infection and the use of IV drugs.

What is more, they send the wrong message to our children. And they hurt our communities.

This administration has claimed a great deal of credit for the recent drop in some categories of drug use.

I don't want to downplay the progress that has been made over the last year.

But we must keep in mind that the improvements were small, and that this administration has a lot of work to do before it can bring us back to the levels of drug use achieved in 1992, the year before President Clinton took office.

The percentage of 8th, 10th, and 12th graders who had used an illicit drug during the previous 30 days dropped between 1997 and 1998, by 0.8 for 8th graders, 1.5 for 10th graders and 0.6 for 12th graders percentage points.

But levels of drug use remain substantially higher than in 1992—in some instances almost twice as high.

In 1992, 6.8 percent of 8th graders, 11 percent of 10th graders, and 14.4 percent of 12th graders reported having used an illicit drug within the past 30 days.

By 1998, even with recent dips, those figures ranged from 12.1 percent for 8th graders to 21.5 percent for 10th graders to 25.6 percent—more than one in four 12th graders.

Now is not the time, Mr. President, to let our guard down in the war on drugs. As we continue to fight our difficult battle with drug abuse, the last thing we need is for Washington to send the message that drug use is okay.

Let me very quickly review some of the overwhelming evidence that has made it crystal clear that needle exchange programs are inherently ill-considered and doomed to failure.

First, we now know that needle exchange programs encourage drug use: Deaths from drug overdoses have increased over five times since 1988.

In addition, we now have clinical studies, including one conducted in Vancouver and published in the *Journal of AIDS*. That study showed that deaths from drug overdoses have increased over five times in that city since needle exchanges began in 1988. Vancouver now has the highest death rate from heroin in North America.

Such terrible statistics should not surprise us given the lack of basic, commonsense logic in needle exchange programs.

Mr. President, giving an addict a clean needle is equivalent to giving an alcoholic a clean glass.

And once we lose sight of this logic, we have already lost the war on drugs. We have, in effect, handed our streets over to people who do not believe that we should win that war.

Let me cite just one example of the recklessness with which so many of these programs are run. The *New York Times* magazine in 1997 reported that one New York City needle exchange program gave out 60 syringes to a single person, little pans to "cook" the heroin, instructions on how to inject the drug, and a card exempting the

user from arrest for possession of drug paraphernalia.

But needle exchange programs do not have to be run recklessly in order to encourage drug use.

Dr. Janet Lapey with Drug Watch International recently quoted pro-needle activist Donald Grove, who pointed out that "most needle exchange programs . . . Serve as sites of informal organizing and coming together. A user might be able to do the networking needed to find drugs in the half an hour he spends at the street-based needle exchange site—networking that might otherwise have taken half a day."

It's just common sense, Mr. President. If you give an addict more needles, he will use them, drug use will increase, and so will the dying.

And that includes deaths from HIV/AIDS. We now know that needle exchange programs actually increase the spread of this dread disease.

For example, a Montreal study was published in the *American Journal of Epidemiology*. It found that intravenous drug users in a needle exchange program were more than twice as likely to become infected with HIV as addicts not using such a program.

And the figures from the Vancouver study are astounding. When the Vancouver needle exchange program started in 1988, 1 to 2 percent of drug addicts in that city had HIV. Now 23 percent of drug addicts in Vancouver have HIV.

To put it succinctly, Mr. President, we now know that needle exchange programs are bad for drug users. They promote this deadly habit and they promote the spread of HIV.

But we know more, Mr. President. We also know that needle exchange programs send the wrong message to our kids:

Let me quote President Clinton's own drug czar, General Barry McCaffrey, who said "the problem is not dirty needles, the problem is heroin addiction. . . . The focus should be on bringing help to this suffering population—not giving them more effective means to continue their addiction. One doesn't want to facilitate this dreadful scourge on mankind."

Mr. President, needle exchange programs undermine our drug fighting efforts, and they undermine the very rule of law we all depend on for our safety and freedom.

I urge my colleagues to support our amendment to prohibit taxpayer dollars from being spent on needle exchange programs.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, in the absence of anyone seeking recognition, I ask unanimous consent that the quorum call be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the Senate bill language, as it currently reads, is as follows: Notwithstanding any other provision of this act, no funds appropriated under this act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the illegal use of drugs.

The amendment, which is now pending, would strike the discretion of the Secretary to make a determination that such a program would be effective in preventing the spread of HIV and would not encourage the use of illegal drugs.

This issue on needle exchange is a highly emotional issue. There is no doubt the reuse of needles by drug addicts does result in the infection of more people with HIV/AIDS. The Secretary of Health and Human Services has never used this waiver language to make a determination that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs. There is dispute on whether clean needles would, in fact, prevent the spread of HIV and whether clean needles would—in fact, could—be used without the encouragement of the use of illegal drugs.

It is the view of the subcommittee and the full committee, which passed this in its present form, that question ought to be left open to the Secretary of Health and Human Services, who has never used this exception and is not likely to use it promiscuously but only if there was a very sound scientific base for doing so. My own preference is to continue the discretion of the Secretary to be able to make this waiver, if the facts and figures show that such a needle exchange would not encourage the use of illegal drugs, that such a legal exchange would prevent the spread of HIV/AIDS.

There is some concern within the community that is interested in having needle exchange that raising this issue again may lead to some broader prohi-

bition, which might even reach private groups. I think that is highly unlikely. But those are concerns that we are trying to resolve in deciding what step to take with response to the Abraham amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, with the support of this side, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me just support the remarks of my colleague from Pennsylvania, Senator SPECTER. I understand all the emotion that surrounds this issue, but I think it would be a profound mistake on our part to now pass an amendment that would take away an important discretion from the Secretary of Health and Human Services as to whether or not the needle exchange program is badly needed and would be effective in some of our local communities. I think to have an across-the-board prohibition without taking a really close look at this question could have tragic consequences.

So I say to my colleagues I think if we no longer enable the Secretary of Health and Human Services to have some discretion and to know when Federal funds would make a huge difference, and to make sure this is all being done in an above-board manner, then I think we are passing a prohibition which, in personal terms, will translate into more of our citizens—many of them inner city, many poor, and too many of them children—becoming HIV infected and dying from AIDS. I rise to support the comments of my colleague from Pennsylvania.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, after consulting with the distinguished ranking member, Senator HARKIN, and listening to the comments of the Senator from Minnesota, it is the judgment of the managers that prudence would warrant accepting the Abraham amendment on a voice vote, if that is acceptable to the distinguished Senator from Michigan.

Mr. ABRAHAM. Mr. President, I appreciate the offer. I think we would be prepared to accept a voice vote. My colleague from Georgia is here and had planned to speak briefly on the amendment. So I defer to him if he wishes to have up to 5 minutes.

Mr. SPECTER. Mr. President, before the Senator from Georgia speaks, I want to propound a unanimous consent request. We have Senator BINGAMAN present now. His amendment will be the next one offered. I ask unanimous consent that there be 40 minutes equally divided on the Bingaman amendment, subject to the same terms and conditions on the other time agreements.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I will just be a moment and yield to the Senator from Michigan so he might call for a voice vote on his amendment.

I want to just quote the administration's own drug czar, General McCaffrey. He said:

As public servants, citizens, and parents, we owe our children an unambiguous no use message. And if they should become ensnared in drugs, we must offer them a way out, not a means to continue addictive behavior.

The problem is not dirty needles, the problem is heroin addiction . . . the focus should be on bringing help to this suffering population—not giving them more effective means to continue their addiction. One doesn't want to facilitate this dreadful scourge on mankind.

James Curtis, a professor of psychiatry at Columbia University Medical School and Director of Psychiatry at Harlem Hospital, said:

[Needle exchange programs] should be recognized as reckless experimentation on human beings, the unproven hypothesis being that it prevents AIDS.

Addicts are actively encouraged to continue to inject themselves with illegal drugs, and are exempted from arrest in areas surrounding the needle exchange program.

I can go on and on with expert people involved in the drug war. This is a good amendment. I am pleased that the other side has decided to adopt it. I compliment the Senator from Michigan for bringing it to the floor.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I believe we had a previous acknowledgment of moving to a voice vote.

Before we do, I thank the Senator from Georgia for his leadership on this issue. Again, our goal is to send a clear message to the children of this country that the Federal Government will not be supporting, in any way, programs that would seem to lead to increases in the uses of drugs, as well as HIV, as it appears in studies.

At this point, I am prepared to yield the remainder of our time.

Mr. REID. The minority yields back our time.

Mr. COVERDELL. As does the majority.

The PRESIDING OFFICER. Without objection, the second-degree amendment is agreed to.

The amendment (No. 2269) was agreed to.

The PRESIDING OFFICER. Without objection, the first-degree amendment, as amended, is agreed to.

The amendment (No. 1828), as amended, was agreed to.

Mr. ABRAHAM. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

AMENDMENT NO. 1861

(Purpose: To ensure accountability in programs for disadvantaged students)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY, proposes an amendment numbered 1861.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52, line 8, after "section 1124A", insert the following: "Provided further, That \$200 million of funds available under section 1124 and 1124A shall be available to carry out the purposes of section 1116(c) of the Elementary and Secondary Education Act of 1965."

Mr. BINGAMAN. Mr. President, first let me yield myself 6 minutes off of my time at this point.

I am offering this amendment on behalf of myself, Senator JACK REED from Rhode Island and JOHN KERRY from Massachusetts, and I believe they will both be here, I hope, to speak on behalf of the amendment as well.

This amendment is intended to ensure greater accountability in our educational system and in the expenditure of title I funds. Let me make it very clear to my colleagues at the very beginning of this debate, this amendment does not add money to the bill. Instead, it tries to ensure that a small portion of the title I funds that we are going to appropriate in this bill are spent to achieve greater accountability and improvement in the schools that are failing, about which we are all so concerned.

I think we can all agree that greater accountability in our schools is an imperative. It is particularly important to have this accountability where high concentrations of disadvantaged students are in order to ensure that all students have some semblance of equal educational opportunity. Although most States have adopted statewide standards, they have not directed adequate resources to schools that are failing to meet those new standards. Dedicated funds are necessary in order to develop improved strategies in those schools and create rewards and penalties that will hold schools accountable for continuous improvement in their students.

The Federal Government directs over \$8 billion, nearly \$9 billion, in Federal funding to provide critical support for disadvantaged students under title I.

But the accountability provisions in title I have not been adequately implemented due to insufficient resources. Title I authorizes State school support teams to provide support for schoolwide programs and to provide assistance to schools in need of improvement through activities such as professional development or identifying resources for changing the instruction in the school or the organization of the school.

In 1998, however, only eight States reported that school support teams have been able to serve the majority of the schools identified as needing improvement. Less than half of the schools identified as being in need of improvement in the 1997-1998 school year reported that this designation of being a school needing improvement led to additional professional development or assistance.

Schools and school districts need additional support and resources to address weaknesses soon after those weaknesses are identified. They need that support to promote a progressively intensive range of interventions, continuously assess the results of those interventions and implement incentives and strategies for improvement.

The bill before the Senate does not identify specific funds for accountability enforcement efforts. I believe we need to ensure that a significant funding stream is provided to guarantee these accountability provisions are enforced.

This amendment seeks to ensure that 2.5 percent of the funds appropriated to LEAs under title I—that is \$200 million in this year's bill—is directed toward this objective. This money is to be used to ensure that States and local school districts have the necessary resources available to implement the corrective action provisions of title I by providing immediate and intensive interventions to turn around low-performing or failing schools.

The type of intervention that the State and the school district could provide using these funds includes a variety of things. Let me mention a few:

One would be purchasing necessary materials such as updated textbooks and curriculum technology.

The second would be to provide intensive, ongoing teacher training. Inadequate training of teachers has been a problem in many of the failing schools.

A third would be providing access to distance learning where they don't have the teachers on site who can provide that instruction.

Fourth, extending the learning time for students through afterschool or Saturday programs or summer school programs so students can catch up to the grade level at which they should be performing.

Next, providing rewards to low-performing schools that show significant

improvements, including cash awards or other incentives such as release time for teachers.

Sixth, intensive technical assistance from teams of experts outside the schools to help develop and implement school improvement plans in failing schools. The teams would determine the causes of low performance—for example, low expectations, an outdated curriculum, poorly trained teachers or unsafe conditions—and provide assistance in implementing research-based models for improvement.

One example of the type of research-based school improvement model that needs to be introduced in failing schools and can be introduced in failing schools with the resources we are earmarking in this amendment is the Success for All Program. This program is a proven early grade reading program in place now in over 1,500 schools around the country, some in my own State of New Mexico. At the end of the first grade, Success for All Program schools have average reading scores almost 3 months ahead of those in matching controlled schools. By the end of the fifth grade, students read more than 1 year ahead of their control group peers. This program can reduce the need for special education placements by more than 50 percent and virtually eliminate retention of students in the grade they have just completed.

This Success for All Program incorporates small classes, regular assessments, team learning, and parental involvement into a comprehensive reading program based on phonics and contextual learning techniques. In order to implement this program, however, schools need resources, particularly in the first year. The estimated costs is about \$62,000 for 500 students in that first year; that decreases substantially to about \$5,000 per year in the third year the program is in place. They must provide the initial training for the school's principal, the facilitators, the teachers, and 23 days of onsite training and curriculum materials.

This is the kind of program of which we need to see more. It is the kind of program for which the funds we would earmark in this amendment would be made available. In my view, this is the type of thing the American people want to see. Instead of just sending another big check, let's try to attract some attention to the strategies we know will work so the failing schools can move up and the students who attend these schools can get a good education.

I see my colleague, Senator REED. I reserve the remainder of my time and yield 5 minutes to the Senator from Rhode Island, Mr. REED.

Mr. REED. Mr. President, I rise to support the amendment sponsored by my colleague from New Mexico. I commend him for his commitment and dedication.

During the 1994 reauthorization of the Elementary and Secondary Education Act, I was a member of the other body. There I proposed an accountability amendment in committee which strengthened our oversight and accountability for title I and other elementary and secondary school programs. When we came to the conference, it was Senator JEFF BINGAMAN of New Mexico who was leading the fight on the Senate side to ensure accountability was part and parcel of the 1994 reauthorization of the Elementary and Secondary Education Act. I am pleased to work with him today on this very important amendment.

What we propose to do is to provide \$200 million so the States can move from talking about accountability and intervening in low-performing schools to actually taking the steps to do just that. There are scarce Federal dollars that we provide for elementary and secondary education programs, the principal program being title I. Although we allocate \$8 billion a year for title I, there still appears to be insufficient resources to ensure that accountability reforms and oversight are effectively taking place in our schools.

This amendment provides for those resources. It ensures we get the best value for the money we invest in title I. It allows schools to not only provide piecemeal services to students but to look and seek out ways to reform the way they educate the students in their classrooms.

We will continue as the reauthorization of the Elementary and Secondary Education Act approaches to stress this issue of accountability. But today we have an opportune moment to invest in accountability and school reform. What we find is that the States, either through lack of financial resources, lack of focus, or due to other commitments and priorities, are not intervening in low-performing and failing schools as they should. They are not directing the kind of school improvement teams, for example, that have been authorized under title I. This amendment gives them not only the incentive but the resources to do that. In effect, what we are trying to do is make title I not just a way to distribute money to low-income schools but to stimulate the reform and improvement of these schools.

It should be noted that the amendment targets the lowest performing schools to try to lift up those schools which are consistently failing their students. We all know if the schools are not working, these young people are not going to get the education they need and require to be productive citizens and workers and to contribute to our community and to our country. That is at the heart of all of our efforts on both sides of the aisle in the Senate.

It is vitally important to turn around the lowest performing and failing

schools. The 1994 reauthorization focused attention in the States on accountability, improvement, and reform. The States have taken steps to adopt accountability systems. But today we are here to give States and school districts the tools to ensure the job of turning around failing schools can be done effectively and completely. I urge passage of this amendment.

Once again, I commend the Senator from New Mexico for his leadership and look forward to working with him as we undertake the reauthorization of the Elementary and Secondary Education Act in the months ahead.

I yield whatever time I have.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER (Mr. ROBERTS). The Senator has 8 minutes 10 seconds remaining.

Mr. BINGAMAN. I yield 3 minutes to the Senator from Massachusetts, Mr. KENNEDY.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I congratulate Senator BINGAMAN, Senator REED, and Senator WELLSTONE for this particular proposal. Effectively, what they are saying is we want to improve low-performing schools and we want to do it now—not wait until next year. It is reasonable to ask whether this kind of effort can be productive and whether it can be useful. I want to raise my voice and say: Absolutely.

I had the opportunity to visit the Harriet Tubman Elementary School in New York City, one of the lowest-performing schools in the city, where 99 percent of the children come from low-income families. After being assigned to the Chancellor's District—a special school district created for the lowest-performing schools—school leaders, parents, and teachers devised a plan for comprehensive change. The school adopted a comprehensive reform program including an intensive reading program.

By 1997–98, it had been removed from the state's list of low-performing schools and reading scores had improved; the percentage of students performing at or above grade level on the citywide assessment had risen from 30 percent in 1996, to 46 percent.

We have instance after instance where that has happened. At Hawthorne Elementary school in Texas, 96 percent of the students qualify for free lunch and 28 percent of the students have limited English language skills.

In 1992–93, Hawthorne implemented a rigorous curriculum to challenge students in the early grades. In 1994 only 24 percent of students in the school passed all portions of the Texas Assessment of Academic Skills. In 1998, almost 63 percent of students passed this test, with the largest gains over the period being made by African American students.

The States themselves have been reluctant to use scarce resources when we have not had adequate funding for the Title I program. The Bingaman amendment sets aside a specific amount of resources that will be out there and available to help those particular schools. This makes a great deal of sense.

I hope our colleagues will support the Bingaman-Reed-Wellstone amendment. These students have spent enough time in low-performing schools, and deserve much better. The time is now to take action to fix these schools. The nation's children deserve no less.

Mr. BINGAMAN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Chair will observe if neither side yields time, the time will be taken from both sides and equally charged.

Mr. BINGAMAN. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The distinguished Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I probably will not even take 2 minutes.

I rise to support the Bingaman amendment. I appreciate what my colleague from New Mexico said earlier in his remarks, which was that the focus on accountability is terribly important. We also have to make sure we invest the resources that will enable each child to have the same opportunity to succeed. I think that is extremely important as well. The two go together.

But I do believe this is very helpful to States. It is very helpful to low-income children. I think it is terribly important that States devise and put into effect strategies that make sure we have the highest quality title I programs, which are, after all, all about expanding opportunities for low-income children, dealing with the learning gap, enabling a child to do well in school and therefore well in his or her life.

I applaud his emphasis on accountability and rise to indicate my support.

Mr. KERRY. Mr. President, the amendment before us today provides a chance not just to make this spending bill better and stronger, not just to move forward by completing another stage of the budget process the American people are already unsure we can complete, but to take this spending bill and use it as a real vehicle for reform of our public schools. Today we can make the single largest investment in accountability ever at the Federal level—today we can help serve as a catalyst for the innovative and, I think, critical reform efforts taking shape around this country. The amendment would reserve \$200 million of title I funds for disadvantaged children to provide assistance and support to low-performing schools. This amendment

will compel school districts to take strong corrective actions to improve consistently low-performing schools. Passage of this amendment signals our commitment to the public schools. Our commitment to their success. And our commitment to ensuring failing schools turn around.

For too long in this Nation we have tolerated low standards and low expectations for our poor children. The standards movement has begun to turn the tide on low expectations and we must build on that momentum and demand accountability from schools that fail our children. We have this opportunity at a time when the American people are telling us that—for their families, for their futures—in every poll of public opinion, in every survey of national priorities—one issue matters most—and it's education. Good news for all of us who care about education, who care about our kids. But the bad news is, the American people aren't so sure we know how to meet their needs anymore. They aren't even so sure we know how to listen.

Every morning, more and more parents—rich, middle class, and even the poor—are driving their sons and daughters to parochial and private schools where they believe there will be more discipline, more standards, and more opportunity. Families are enrolling their children in charter schools, paying for private schools when they can afford them, or even resorting to home schooling—the largest growth area in American education.

This amendment comes at an important time for our schools, you might say it comes at an even more important time for this Congress. We have to break out of the ideological bind we've put ourselves in—we can't just talk about education—it's more than an issue for an election—we've got to do something about it. Parents in this country believe that public schools are in crisis and despite a decade of talk about reform, they give them no higher grade than a decade ago. 67 percent are dissatisfied with the way public education is working; 66 percent use the word crisis to describe what's going on in our schools today. But the American people—at times more than we seem to be in the Senate—are firmly committed to fixing our public schools—fixing our schools—not talking about fixing them, not using kids as pawns in a political chess game.

It boils down to one fundamental, overriding concern: Americans want accountability for performance and consequences for failure in the public school system. Americans support a variety of innovative approaches to improving education—it's actually Washington that is more afraid of change than the citizens who sent us here. And it is time for us to be a catalyst for change—to help facilitate more innovation, not less—to improve the state of

education in America: to address the problem of reading scores that show that of 2.6 million graduating high school students, one-third are below basic reading level, one-third are at basic, only one-third are proficient and only 100,000 are at a world class reading level.

The time to lay down the marker of accountability for student performance is now. That's why today's discussion is so important—because we have the opportunity today to do it—to stop talking past each other—and to deliver on the most important principle of real education reform—accountability.

When schools begin to fail, when there is social promotion, when kids are being left behind, we need to hold those schools accountable for taking those best practices and turning around low performing schools not 5 years from now, not some time in the future, not after another study, but today—now. And if we can commit ourselves to that kind of accountability then we will have taken an incredible leap forward, not just building public confidence in public education, but in making all our schools better. It is past time that we coalesce around an approach to reform grounded in four simple concepts: high standards; teaching to those standards; giving every student the opportunity to meet those standards; and building strict accountability into the system to make those standards meaningful.

Mr. President, 49 States have embraced or will soon embrace meaningful standards; there should be no partisan divide over this issue—and now is the time for us all to embrace the policies which empower our teachers to teach to standards and give every student the real opportunity to meet high standards. Now is the time for us to embrace the accountability that has worked so well for real leaders like Gov. Tom Carper in Delaware, and Mayor Daley in Chicago—now is the time for us to say not just that we hope schools will meet high standards, but that we'll work with them—holding them accountable—to get them there. It's time for us to say that we're willing—in our title I spending—to hold schools accountable for meeting those high benchmarks—to reach out to low performing schools and give them the intensive help they need to turn things around and help raise student performance. It boils down to real accountability—to acknowledging that though the Federal role in education, in terms of pure spending, has been relatively small, it does provide the leverage—if we are willing to embrace it—to empower schools in need of reform to turn themselves around rapidly—to cut through layers of bureaucracy—to access new resources—to shake up staff—and, if need be, to reconstitute itself—to become a new school in a fundamental sense—or to turn itself into, es-

entially, a charter school within the public school system. We know that title I itself, with the early accountability reforms already in place have raised accountability—but I would say that in this amendment we could do so much more—and we should.

Consider the impact more accountability would make—the ability we would have to truly adhere to high standards throughout the system: to raise teacher quality; reform certification; provide mentoring and ongoing education; embrace merit pay; higher salaries; and end teacher tenure as we know it.

Consider the ability to hold schools accountable for our children's needs—to say that we will not allow schools to be the dumping ground for adult problems—and to acknowledge that we need to fill those hours after school with meaningful study—curriculum—and mentoring.

Consider the ability to hold students accountable for discipline and violence: to allow schools to write discipline codes and create second chance schools: to eliminate the crime that turns too many hallways and classrooms into arenas of violence.

We need to do these things now—to be willing to challenge the status quo—to do more for our schools, to help every student achieve, to guarantee reform when they don't—and—in no small measure—to renew the promise of public education for the 21st century.

This will not happen overnight, but it will happen. I look forward to joining with all of my colleagues in that effort: to pass this amendment, to make accountability the foundation of reform, and to face the challenge of fixing our public schools together.

Mr. BINGAMAN. Mr. President, I ask unanimous consent two letters be printed in the RECORD at this point, one from Michael Davis, who is the superintendent of public instruction from my home State of New Mexico, and the other from Gordon Ambach, who is the head of the Council of Chief State School Officers. The first letter from Mr. Davis is in support of the amendment. The second letter supports providing additional funds to States to implement the accountability provisions of title I. Mr. Ambach had not seen the amendment yet when he wrote that letter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF NEW MEXICO,
DEPARTMENT OF EDUCATION,
Santa Fe, NM, October 6, 1999.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: I write to applaud your efforts to secure a dedicated source of funding for States and local school districts to implement the accountability provisions of Title I. As you know, we have been working hard in New Mexico to raise

standards and implement a rigorous accountability system. We will be unable to successfully implement high standards and accountability, however, unless we are able to provide local districts with additional resources to help them address weaknesses in their educational programs and to turn around failing schools. I believe that your amendment seeking to direct \$200 million for this purpose will go a long way towards ensuring proper enforcement of the accountability provisions under Title I.

Thank you for your efforts. Please let me know if I can be of assistance to you.

Sincerely,

MICHAEL J. DAVIS,

State Superintendent of Public Instruction.

COUNCIL OF CHIEF STATE SCHOOL
OFFICERS,

Washington, DC, June 22, 1999.

Member, House Education and the Workforce
Committee,

U.S. House of Representatives, Washington, DC.

RE: Provisions for Program Improvement in
Reauthorization of ESEA Title I—The need
for greater funding

DEAR REPRESENTATIVE: Title I of the Elementary and Secondary Education Act (ESEA) now includes very important provisions for the identification in each state of those schools with lowest levels of student achievement and most in need to program improvement. This provision earmarks funds for the state education agency (SEA) to assist local education authorities and these schools with their strategies to improve achievement. This state role is authorized on the assumption that if the district and school had the capacity internally to improve; improvement would have occurred and be reflected by increased achievement scores. Unfortunately, the analysis of Title I school by school test scores reveals that nearly 7,000 schools have continuing low performance over the years and need "external" program improvement help. The problem is that the federal appropriation for program improvement is far too small to serve 7,000 schools effectively.

An increase in the state education agency (SEA) set-aside for program improvement is urgently needed to help the 7,000 lowest performing schools in the nation build capacity, improve student achievement and meet new accountability requirements for student progress. As your Committee develops a bill to reauthorize Title I for introduction and markup, we urge a substantial increase in the funds set-aside for improving programs in schools where students are not making adequate progress toward achieving state standards. The current $\frac{1}{2}$ of 1% of each state's total Title I allocation which may be set-aside for program improvement provides only \$40 million of the \$8 billion program for SEAs to fulfill the required activities for schools identified as needing improvement. An increase to 2.5% by FY2001 and 3.5% by FY 2004 as proposed by the Administration is critical to provide \$200 million to \$300 million to serve the 7,000 schools with support teams, mentors, distinguished educators, additional comprehensive school reform efforts, professional development and other forms of technical assistance called for in the bill.

Increased program improvement funding is the right strategy for these reasons:

(1) All program improvement funds are used directly to raise quality in the classrooms of the lowest performing Title I schools. Under the Administration proposal for ESEA reauthorization, 70% of the funds

authorized for program improvement must be allocated by the SEA to the LEA to carry out its program improvement activities in failing schools according to its local plan approved by the SEA. The remaining 30% of the program improvement funds will be used by the SEA for direct support and assistance to the classrooms of such schools. This state service assures that both the state and local districts are partners in bringing external resources to help teachers and leaders in those schools. All of the uses of funds for program improvement are defined as the "Dollars to the Classroom" bill of the same title. All of these funds support improvement in the classrooms which most need the help.

(2) The current \$40 million which is available under the .5% set-aside is woefully inadequate for SEAs and districts to serve and improve low-performing schools. This amount is grossly insufficient to fulfill the requirements and needs of the almost 7,000 schools already identified as needing improvement. The average amount available now per school is only \$5,715 per year. New provisions expected in the reauthorization for school support teams, distinguished educators and mentors, technical assistance to adopt and implement research-based models for improved instruction, and professional development for teachers and school leaders in methods which assure student success require more resources per school. The need will increase substantially for schools identified as needing improvement as states and districts continue to implement challenging standards and assessments for all students. Proposed accountability requirements to assure all students are continually learning the skills necessary to achieve on grade level and comparability of teacher quality in each school will add to the challenges for schools in need of improvement and must be met with increased external support.

(3) Although Title I is the single largest federal elementary and secondary program, Title I has the smallest proportion of funds devoted to administration, support and assistance, and quality control monitoring of any of the major federal programs. The Individuals with Disabilities Education Act (IDEA) has 25%, and the Perkins Vocational-Technical Education Act has 15% with an additional 10% directed by the state to rural and urban areas through competitive grants. Only 1% of the Title I total is authorized for states to operate and support all eligible schools in a program which expends \$8 billion in federal taxpayers' funds to serve 11 million students in 45,000 schools in 90% of the nation's school districts. The amount of funds devoted to state and locally assisted program improvement in the lowest-performing schools is an additional 0.5%. State capacity for helping title I districts and schools is significantly underfunded and therefore underused. Congress should rely on state level assistance for Title I, as it does for IDEA, Perkins Vocational-Technical Education, Technology Challenge Grants, and other federal programs. Leveraging substantial, sustained gains in student achievement in these schools requires a far stronger investment in state assistance than in the current law.

We hope these comments are helpful as you develop this critical piece of legislation. We urge you to act on them. Please feel free to call us at (202) 336-7009 if you have any questions or find we can be of further assistance.

Respectfully Submitted,

GORDON M. AMBACH,
Executive Director.

Mr. BINGAMAN. Mr. President, let me read a few sentences from the letter

from Michael Davis. He is a very capable, respected, State school superintendent from my State. He writes:

DEAR SENATOR BINGAMAN: I write to applaud your efforts to secure a dedicated source of funding for States and local school districts to implement the accountability provisions of Title I. As you know, we have been working hard in New Mexico to raise standards and implement a rigorous accountability system. We will be unable to successfully implement high standards and accountability, however, unless we are able to provide local districts with additional resources to help them address weaknesses in their educational programs and to turn around failing schools. I believe that your amendment seeking to direct \$200 million for this purpose will go a long way towards ensuring proper enforcement of the accountability provisions under Title I.

Then, in the letter from the executive director, Mr. Ambach, of the Council of Chief State School Officers, the point that is made strongly is that the current \$40 million that is available under the 0.5-percent set-aside for States is woefully inadequate for local school districts to serve and improve low-performing schools. I think those two letters speak very strongly in favor of what we are trying to do.

I very much appreciate the support of Senator KENNEDY, Senator WELLSTONE, Senator REED, and Senator KERREY.

Let me say a few other things before my time is up. How much time remains on my side?

The PRESIDING OFFICER. The Senator has 1 minute 50 seconds.

Mr. BINGAMAN. Mr. President, this amendment, as I have said before, should not be a partisan issue. I know many of the amendments that have been brought to the Senate floor in recent days and weeks and even months have been voted along partisan lines. This amendment should not be. The need for accountability is not a partisan issue.

Just yesterday, Governor Bush from Texas talked about his plan for improving accountability in title I schools. Under his plan, school districts and schools would have to show improvement in test performance. If schools improved, they would be rewarded with additional funds. If schools did not improve in 5 years, those funds would be taken and given to parents or students in vouchers of \$1,500 each.

The problem with this proposal is it provides the stick, a very big stick with dire consequences for schools that do not perform, but it does not provide resources to help those schools avoid that failure. This proposal says if you can figure out how to turn your school around with the meager resources you have, fine; if you cannot, then we will let the clock run out and then take the money away, so your odds against succeeding become insurmountable.

What this amendment will do is provide that assistance to those schools immediately when the failing nature of that school is recognized. I think this

is an extremely important amendment. It is something we ought to do. I hope this is considered by each Senator as a good-faith effort to better use the funds we are spending in this bill.

Once again, I remind all my colleagues, this amendment does not add money to the bill. This is not a question of whether we are going to spend more or less on education. It is a question of how effectively we can spend the funds we are going to spend.

Mr. President, I gather my time is up. I yield the floor at this time and wait for the response, if there is any opposition to the amendment, which I certainly hope there is not.

The PRESIDING OFFICER. Who yields time in opposition?

Without objection, the Chair, acting in my capacity as an individual Senator from Kansas, notes the absence of a quorum, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, the Bingaman amendment will provide \$200 million from the funds the committee provided for basic and concentration grants to support State and local accountability efforts to identify school failure and provide progressively more interventions to turn around the performance of the local school. Under the current law, States may now reserve 0.5 percent for such activity. This amendment would set aside \$200 million, or 2.5 percent, specifically for State and local accountability efforts. States would not, therefore, be given the choice of whether or not to spend funds for accountability purposes which resemble very much a mandate. This amendment would take education funds away from States to educate low-income students. Most States already have adopted statewide accountability systems that include State assessments to measure whether students are meeting State standards, report cards that summarize performance of individual schools, and rating systems that determine whether a school's performance is adequate.

The authorizing committees have not had the opportunity to carefully examine the issue of whether to increase the amount set aside for accountability. Hearings should be held where States can express their views, and this issue should be addressed during the reauthorization of the Elementary and Secondary Education Act.

Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Georgia has 12 minutes 42 seconds.

Mr. BINGAMAN. Mr. President, may I ask if the Senator will yield for a question?

Mr. COVERDELL. I would be glad to yield for a question.

Mr. BINGAMAN. Mr. President, I was informed that the Governors Association supports this amendment, and that the States would want the initial ability to use these funds. Does the Senator have information to the contrary? I know he raised a concern about requiring States to do something different. My information is that this is the authority they would want.

Mr. COVERDELL. I am advised by the committee staff that we don't have the same information the Senator has just expressed, so I cannot comment one way or the other.

Mr. BINGAMAN. Mr. President, I might just respond that we will try to get that information to the Senator from Georgia before the vote occurs at 11:30.

Mr. COVERDELL. Very good. I appreciate the comment of the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Would it be in order for me to call up my amendment in order to move on? I ask unanimous consent to set aside the pending amendment and call up amendment numbered 1842.

The PRESIDING OFFICER. Is there an objection to setting aside the amendment?

Mr. COVERDELL. Mr. President, reserving the right to object—

Mr. WELLSTONE. Just to be clear to colleagues, I thought we were finished and were trying to move along. I am willing to wait, if Senator BINGAMAN wishes to continue.

Mr. COVERDELL. We may wish to continue.

Mr. WELLSTONE. Very well.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I wonder whether I could ask unanimous consent for 3 minutes as in morning business to make a statement while we are in deliberations. I ask unanimous consent to be able to do that.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Mr. President, I do not object to yielding 3 minutes of

time as in morning business, and that following that we go back to this.

Mr. WELLSTONE. Absolutely. I am trying to make the best use of our time, Mr. President.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

MERGERS IN THE MEDIA AND COMMUNICATIONS INDUSTRIES

Mr. WELLSTONE. Mr. President, we are in the midst of an unprecedented wave of mergers and concentration in the media and the communications industries. We are talking about the flow of information in democracy and whether a few are going to control this. But instead of doing anything about it, to protect American consumers or to safeguard the flow of information that our democracy depends upon, I am troubled by efforts underway to undermine protections that are already on the books.

I cite that the CBS-Viacom merger announced last month would be the biggest media deal ever. Today, the FCC announced its approval of a merger between SBC and Ameritech. On Tuesday, Clear Channel Communications announced that it is buying AMFM to create a huge radio conglomerate with 830 stations that will dominate American radio.

I am amazed so few people are concerned about these developments. The reason I rise to speak about this is that when FCC Chairman Bill Kennard is so bold as to point out that the MCI-Sprint deal would undermine competition, he is simply doing his job. I want to say on the floor of the Senate, he should not be punished for doing his job.

Last year, when the FCC approved the merger of Worldcom and MCI, Chairman Kennard said the industry was one merger away from undue concentration. Now this merger would be the one that pushes us over the top.

So when Antitrust Division Chief Joel Klein of the Justice Department brings some very difficult cases to enforce our country's antitrust laws, he is simply doing his job. When FCC Chairman Bill Kennard raises these kinds of questions, he is simply doing his job.

We cannot expect these agencies to enforce our laws, to do their job, if we take away their budgets or their statutory authority every time they do it. We need to strengthen our review of these mergers. We need to strengthen our antitrust laws, on which I think we have to do much better. And we need to give the Justice Department, the FTC, and the FCC the resources they need to enforce the law.

So more than anything else, I rise to support Bill Kennard's concerns, to tell him he is doing his job, and urge my colleagues to understand that he has an important responsibility to protect